REMARKS

The Office Action dated July 19, 2005 has been received and carefully considered. In this response, claims 1, 13, 21 and 36 have been amended. Entry of the amendments to the claims is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

I. THE OBVIOUSNESS REJECTION OF CLAIMS 1-44

On page 2 of the Office Action, claims 1-4, 7-8, 11-14, 17-18, 20-26, 29, 31-37 and 39-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grantges (U.S. Patent No. 6,510,464) in view of Phaal (U.S. Patent No. 6,006,269). On page 10 of the Office Action, claims 5-6, 15-16 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grantges in view of Phaal and further in view of Devine (U.S. Publication No. 2003/0041263). On page 12 of the Office Action, claims 9-10, 19, 30 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grantges in view of Phaal and further in view of Lee (U.S. Patent No. 4,788,715). These rejections are hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there

must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Also, as stated in MPEP § 2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Further, as stated in MPEP § 2143.03, to establish *prima facie* obviousness of a claimed invention, all the claim

limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). That is, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). Additionally, as stated in MPEP § 2141.02, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Finally, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

The Examiner asserts that Grantges and Phaal, in combination, teach the present invention as claimed in independent claims 1, 13, 21 and 36. This assertion is incorrect for at least the following reasons: (1) the cited references do not contemplate an internet customer access system that is independent from the website to be accessed; and (2) the cited references do not teach or suggest "receiving a redirected customer web site access request from a name server."

First, the internet customer access system, as recited in the amended claims 1, 13, 21 and 36, is not a traditional

gateway system which is typically a part of a network that hosts a customer website to be accessed. Rather, the internet customer access system according to embodiments of the present invention is independent from a customer web site. To further clarify this feature, Applicants have amended claims 1, 13, 21 and 36 to indicate that the internet customer access system is "independent from the web site." An exemplary illustration may be found in Figure 1 of the present application, wherein the internet customer access system is embodied as a Traffic Regulating System 100 which is independent from the E-commerce site 200. In other words, the Traffic Regulating System 100 is not implemented as a gateway or otherwise an integral part of the E-commerce site 200. If the Traffic Regulating System 100 were a gateway entrance to the E-commerce site 200, the path 6 (i.e., internet connection between the Customer System 400 and the E-commerce site 200) in Figure 1 would have to pass through the Traffic Regulating System 100 in all circumstances. However, in Figure 1, an internet connection is illustrated as being maintained without passing through the Traffic Regulating System 100.

In contrast, Grantges and Phaal only contemplate that their access systems act as physical entry points that are part of their respective web-hosting networks. For example, the

Grantges system is called an "Application Gateway 38" and is disposed between web servers (e.g., 28_1, 28_2, 28_3) and a firewall 32. Grantges, Figure 1. See also, Grantges, Figures 2 and 7. Since security is its primary concern, Grantges would not have implemented its Application Gateway without shielding it behind a firewall. Therefore, Grantges is clearly limited to implementing its gateway as part of the website to be accessed.

The same is true with Phaal, which refers to its system as an "Admission Control Gateway 25." See, Phaal, Figure 1. According to Phaal, its admission control system is "resident on a server" and is most typically implemented in software on "a server which has processing resources which are sometimes strained." Phaal, col. 4, lines 36-42. "A server which has processing resources which are sometimes strained" is apparently a web-hosting server which is being access-controlled. Thus, this statement indicates that Phaal's admission control system is implemented as part of, not independent from, the website to be accessed.

Therefore, neither Grantges nor Phaal contemplate an internet customer access system that is independent from the web site, as presently claimed.

Second, neither Grantges nor Phaal teach or suggest "receiving a redirected customer web site access request from a

name server" as recited in the amended claims 1, 13, 21 and 36. Referring to Figure 1 as an example, "when the customer system 400 attempts to access the web site 200 and connects to the name server 300 as shown by path 2, the name server 300 directs the request to the traffic regulating system 100 instead of the actual web site 200 as shown by path 3." Page 10, lines 17-21. That is, a customer's website access request is redirected from a name server to an internet customer access system, without routing the access request first to the requested website. The routing of the access request is an "redirection" because the access request was intended for the website, not for the internet customer access system which is a network entity independent from the requested website.

In Grantges and Phaal, however, there is no such "redirection" of messages. In both systems, the gateway system is disposed as a physical entry point to the requested web-hosting network and is practically part of the requested website. All requests for accessing the website are in fact addressed to the corresponding gateway system. Therefore, no "redirection" of access requests occurs in Grantges or Phaal.

The Examiner asserts that the Gateway 38 in Grantges performs the claimed redirect receiving function by receiving request from Proxy Server 34. See, Grantges, Figure 1 and col.

4, lines 49-52. However, the forwarding of messages from the Proxy Server 34 to the Gateway 38 is not a "redirection" in the same sense as claimed in the present application. In addition, the Proxy Server 34 is not a "name server."

For at least the foregoing reasons, Grantges and Phaal fail to teach or suggest all of the elements recited in independent claims 1, 13, 21 and 36. Therefore, the Office Action has failed to establish a prima facie case of obviousness against the pending claims.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-44 be withdrawn.

II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

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To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,
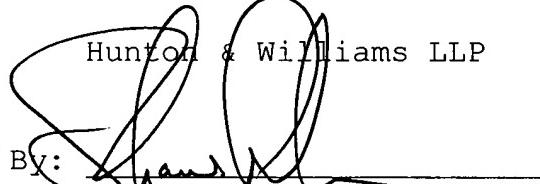
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APPENDIX

1 (Currently Amended). An internet customer access system comprising:

a redirect receiving unit for receiving a redirected customer web site access request from a ~~network~~ name server and generating a request for a capacity determination for the web site;

a capacity determination unit for determining if the web site has capacity to handle an additional customer;

a notification unit for notifying the customer if the web site currently has insufficient capacity; and

a redirect unit for redirecting the customer to the web site if sufficient capacity is found~~.~~,

wherein the internet customer access system is independent from the web site.

2 (Original). The internet customer access system of claim 1, wherein the notification unit comprises a scheduling processor for scheduling access of the customer to the web site.

3 (Original). The internet customer access system of claim 2, further comprising a customer identification unit for

determining whether a customer has scheduled access to a web site.

4 (Previously Presented).   The   internet   customer   access system of claim 3, wherein the scheduling processor comprises means for attaching a tag to a customer system.

5 (Original). The internet customer access system of Claim 4, wherein the tag comprises an encrypted cookie.

6 (Previously Presented).   The   internet   customer   access system of claim 4, wherein the customer identification unit comprises means for detecting the tag attached to the customer system and means for removing the tag from the customer system.

7 (Original). The internet customer access system of claim 3, wherein the notification unit comprises an update processor for informing a customer access system already possessing a tag of current accessibility status.

8 (Original). The internet customer access system of claim 2, wherein the scheduling processor comprises means for providing appointment slots.

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9 (Original). The internet customer access system of claim 3, wherein the scheduling processor comprises means for providing the customer with a position in a queue and means for providing an estimated service time.

10 (Original). The internet customer access system of claim 9, wherein the notification unit comprises means for providing a customer with an updated place in the queue.

11 (Original). The internet customer access system of claim 1, wherein the notification unit comprises means for notifying a customer that the site is full.

12 (Original). The internet customer access system of claim 1, wherein the notification unit comprises means for notifying a customer that replay options are available.

13 (Currently Amended). An internet customer access system comprising:

a redirect receiving unit for receiving a redirected customer web site access request from a ~~network~~ name server and

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generating a request for a capacity determination for the web
site;

a capacity determination unit for determining if the web
site has the capacity to handle an additional customer;

a scheduling processor for scheduling access of the
customer to the web site if the capacity determination unit
indicates that no current capacity exists; and

a customer identification unit for determining whether the
customer has scheduled access to the web site,

wherein the internet customer access system is independent
from the web site.

14 (Original). The internet customer access system of claim 13,
wherein the scheduling processor comprises means for attaching a
tag to a customer system.

15 (Original). The internet customer access system of 14,
wherein the tag is an encrypted cookie.

16 (Previously Presented). The internet customer access
system of claim 15, wherein the customer identification unit
comprises means for detecting the encrypted cookie attached to

the customer system and means for removing the encrypted cookie from the customer system.

17 (Original). The internet customer access system of claim 14, further comprising a notification unit having an update processor for informing a customer access system already possessing a tag of current accessibility status.

18 (Original). The internet customer access system of claim 14, wherein the scheduling processor comprises means for providing appointment slots.

19 (Original). The internet customer access system of claim 14, wherein the scheduling processor comprises means for providing the customer with a position in a queue and means for providing an estimated service time.

20 (Original). The internet customer access system of claim 13, further comprising a notification unit having means for notifying a customer that the site is full.

21 (Currently Amended). A method for regulating access to a web site, the method comprising the steps of:

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receiving a redirected customer web site access request
from a ~~network~~ name server~~,~~, wherein the redirected customer
website access request is received at a system that is
independent from the web site;

determining whether the web site has sufficient capacity to
accommodate an additional customer;

redirecting the customer to the web site if sufficient
capacity is found; and

notifying the customer if insufficient capacity is found.

22 (Original). The method of claim 21, comprising notifying the
customer that replay options are available.

23 (Original). The method of claim 21, further comprising
determining whether the customer has a tag.

24 (Original). The method of claim 23, further comprising
determining whether the tag is valid.

25 (Original). The method of claim 24, further comprising
redirecting the customer to the web site if the tag is valid.

26 (Original). The method of claim 23, further comprising determining if the tag is expired.

27 (Previously Presented). The method of claim 26, further comprising performing scheduling operations if the tag is expired and providing the customer with an updated status if the tag is not expired.

28 (Original). The method of claim 21, wherein redirecting the customer to the web site comprises the steps of determining if the customer has a tag and removing the tag if present.

29 (Original). The method of claim 21, further comprising scheduling customer access if insufficient capacity is found.

30 (Original). The method of claim 29, wherein scheduling comprises providing the customer with a position in a queue.

31 (Original). The method of claim 29, wherein scheduling comprises providing the customer with an appointment.

32 (Previously Presented). The method of claim 29, wherein scheduling comprises leaving a tag on a customer system and

providing the customer with a finite time for which the tag is valid.

33 (Original). The method of claim 29, further comprising determining whether a visitor has previously scheduled access to the web site.

34 (Original). The method of claim 33, further comprising providing a customer with updated position information.

35 (Original). The method of claim 33, further comprising offering a cancellation and rescheduling option upon providing updated position information.

36 (Currently Amended). A method for regulating access to a web site, the method comprising the steps of:

receiving a redirected customer web site access request from a ~~network~~ name server;, wherein the redirected customer website access request is received at a system that is independent from the web site;

determining if the web site has sufficient capacity to handle an additional customer;

scheduling access of the customer to the web site if insufficient capacity is found; and

determining whether a customer has previously scheduled access to the web site.

37 (Original). The method of claim 36, wherein scheduling access comprises scheduling an appointment for the customer.

38 (Original). The method of claim 36, wherein scheduling access comprises assigning the customer a position in a queue.

39 (Original). The method of claim 36, wherein scheduling access comprises providing the customer with a tag.

40 (Original). The method of claim 36, further comprising redirecting the customer to the web site if sufficient capacity is found.

41 (Original). The method of claim 36, wherein determining whether a customer has previously scheduled access to the web site comprises determining whether a customer has a tag.

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42 (Original). The method of claim 41, further comprising redirecting the customer to the web site if the tag is valid.

43 (Original). The method of claim 42, further comprising performing scheduling operations if the tag is expired.

44. (Original) The method of claim 43, further comprising performing update processing if the tag is not yet valid and is not yet expired.